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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,159	11/14/2001	Terry Rayburn	1679	3873

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EXAMINER

ZEWDU, MELESS NMN

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/991,159	Applicant(s) RAYBURN, TERRY	
	Examiner Meless N. Zewdu	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is in response to the communication filed on 7/21/05.
2. Claims 1-26 are pending in this action.
3. This action is final.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 5- 8, 12-14, 16-18 and 25-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In this regard the description does not support the reception and routing of a **first** call, as recited in the claims in question. On the contrary, what the description supports is routing subsequent call/s directed to same destination, as calls already received, and routing that/those subsequent call/s to a service platform for alternative treatment. According to the specification, the first call is implied to be a call first received before the predetermined

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threshold number of call is reached; in other words, a call received before the subsequent call/s. Furthermore, it does not technically or service-wise make sense to route a first emergency call in order to treat a subsequent emergency call. Another way to look at it is whether the call in question is received before or after congestion (as determined by the call threshold). If the reception is after congestion occurs, then it cannot be the first call, since there are other calls that apparently congested the network/platform.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 8-12, 16-17, and 20-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over LeBlanc (US 5,596,625) in view of Ertz et al. (Ertz) (US 5,323,444).

As per claim 1: a method of managing call traffic comprising:

receiving a request to connect a first call from an originating station to a destination reads on '625 (see col. 2, lines 1-25; col. 4, lines 4-27; fig. 3; col. 6, lines 12-24).

routing the first call to a service platform for alternative treatment reads on '625 (see fig. 3; elements 58 and 54; col. 2, lines 7-13; col. 5, line 57-col. 6, line 24). The E9-

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1-1 selective router routes an emergency call received by the central office (element 52) to one of the pluralities of elements 54. The E-911 router, in the prior art, can be considered as a call service platform for alternative call treatment.

But, LeBlanc does not explicitly teach about making a determination that at least a threshold number of calls to the destination have originated from an area where the originating station is located, as claimed by applicant. However, in a related field of endeavor, Ertz teaches about routing an emergency call to one of many alternative destinations based on call capacity limit/threshold (see col. 3, line 55-col. 5, line 53; claims 6- 7, 45, 38 and 41). According to the prior art each PSAP (a given PSAP) represents a given region/location and has a call capacity determining means to determine the number of incoming calls in response to which routing decision is made. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the teaching of LeBlanc with the teach of Ertz for the advantage of providing last chance routing of emergency calls after an attempt to route such calls to designated PSAP (see col. 1, lines 12-17).

As per claim 2: the method wherein the originating station comprises a mobile station reads on '625 (see fig. 3, elements 60 and 62; col. 5, lines 24-43).

As per claim 3: the method wherein the destination comprises an emergency services network reads on '625 (see fig. 3, elements 58 and 54; col. 5, line 24-col. 6, line 24).

As per claim 8: a communication system comprising:

trigger logic executable by a processor to detect a request to connect a first call from an originating terminal to a primary destination, the originating terminal being at a

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location reads on reads on '625 (see col. 2, lines 1,25; col. 4, lines 4-27; col. 4, line 64-col. 5, line 43). The prior art shows that an emergency call is received/detected and the processor to detect cause detection of the call is obvious.

redirection logic executable by a processor to re-direct the first call to a secondary destination reads on '625 (see fig. 3; elements 58 and 54; col. 2, lines 7-13; col. 5, line 57-col. 6, line 24). The E9-1-1 selective router, which obviously includes a processor/processors, routes an emergency call received by the central office (element 52) to one of the pluralities of elements 54). But, LeBlanc does not explicitly teach about making a determination that at least a threshold number of calls to the destination have originated from an area where the originating station is located, as claimed by applicant. However, in a related field of endeavor, Ertz teaches about routing an emergency call to one of many alternative destinations based on call capacity limit/threshold (see col. 3, line 55-col. 5, line 53; claims 6- 7, 45, 38 and 41). According to the prior art each PSAP (a given PSAP) represents a given region/location and has a call capacity determining means to determine the number of incoming calls in response to which routing decision is made. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the teaching of LeBlanc with the teach of Ertz for the advantage of providing last chance routing of emergency calls after an attempt to route such calls to designated PSAP (see col. 1, lines 12-17).

As per claim 9: the communication system wherein the trigger-logic provides a signal in response to detection of the request, the system further comprising:

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location-logic executable by a processor, in response to the signal, to determine the location of the originating terminal reads on '625 (see col. 4, line 64-col. 5, line 9). A processor is an obvious component to the prior art embodiment.

As per claim 10: the communication wherein;

the trigger-logic is executed in a switch reads on '625 (see col. 4, line 64-col. 5, line 9). The prior art includes/shows trigger-logic executing switch/es.

As per claim 11: the communication wherein the call-density logic and re-direction logic are both executed in a service control point reads on '625 (see fig. 3, element 42; col. 4, line 64-col. 5, line 43).

As per claim 12: the features of claim 12 are similar to the features of claim 1. Hence claim 12 is rejected on the same ground and motivation as claim 1.

As per claim 16: the features of claim 16 are identical to the features of claim 1. Hence, claim 16 is rejected on the same ground and motivation as claim 1. There is no substantive difference between claims 1 and 16 except the preamble of claim 1 is directed managing call traffic and that of claim 16 managing emergency service calls which are call traffic.

As per claim 17: the feature of claim 17 is similar to the feature of claim 4. Hence, claim 17 is rejected on the same ground and motivation as claim 4.

As per claim 20: the method wherein making a determination that at least a threshold number of emergency service calls originated from an area where the mobile is located comprises:

determining a location of the mobile station reads on '625 (see abstract).

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determining a number of emergency service calls that have been placed from an area encompassing the location with a past predetermined time period reads on '444(see col.3, line 55-col. 4, line 67).

determining that the number exceeds a predetermined threshold reads on '444 (see col. 4, lines 25-67).

As per claim 21: the method wherein the area is defined by a predefined radius distance from the location of the mobile station reads on '625 (see col. 17, lines 29-67; col. 19, lines 28-50). It is known that a base station's coverage area is represented by a hexagonal shape/configuration to approximately a circular coverage area. It is also known that a circular area includes a radius which is similar to what is provided in the prior art as distance.

As per claim 22: the method further comprising maintaining a record of originating times and originating locations of emergency service calls, wherein determining the number of emergency calls that have been placed from the area within the past predetermined time period comprises:

using the record to determine how many calls have been placed from the area within the past predetermined time period reads on '444 (see col. 4, lines 25-67).

As per claim 23: the method wherein determining the location of the mobile station comprises:

applying position determining equipment reads on '625 (see col. 5, lines 10-23).

As per claim 24: the method further comprising:

applying a service control point to make the determination that at least a threshold rate of emergency service calls have originated from an area where the mobile station is located reads on '444 (see col. 3, line 55-col. 4, line 67). The term "call capacity administered?", indicates an apparatus that determines that at a threshold/capacity rate of emergency service calls have originated from an area (a given PSAP) which is similar to say where the mobile station is located.

As per claim 25: a system for managing emergency service calls, the system comprising:

means for receiving a request to connect a first call from a mobile station to an emergency service center reads on '625 (see figs. 2 and 3; abstract; col. 2, lines 1-25; col. 4, lines 4-27).

means for routing the first call to a service platform for alternative treatment reads on '625 (see fig. 3; elements 58 and 54; col. 2, lines 7-13; col. 5, line 57-col. 6, line 24). The E9-1-1 selective router routes an emergency call received by the central office (element 52) to one of the pluralities of elements 54. But, LeBlanc does not explicitly teach about making a determination that at least, a threshold rate of emergency service calls have originated from an area where the originating station is located, as claimed by applicant.

However, in a related field of endeavor, Ertz teaches about routing an emergency call to one of many alternative destinations based on call capacity limit/threshold (see col. 3, line 55-col. 5, line 53; claims 6- 7, 45, 38 and 41). According to the prior art each PSAP (a given PSAP) represents a given region/location and has a call capacity

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determining means to determine the number of incoming calls in response to which routing decision is made. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the teaching of LeBlanc with the teaching of Ertz for the advantage of providing last chance routing of emergency calls after an attempt to route such calls to designated PSAP (see col. 1, lines 12-17).

As per claim 26: regarding claim 26, LeBlanc discloses a system for managing emergency service calls, wherein the system comprises a wireless carrier network programmed to perform function in response to a request to connect a first call from a mobile station to an emergency service center (see abstract, figs. 1 and 2; col. 2, lines 1-25; col. 4, lines 4-27).

routing the first call to a service node reads on '625 (see fig. 3; elements 58 and 54; col. 2, lines 7-13; col. 5, line 57-col. 6, line 24). The E9-1-1 selective router routes an emergency call received by the central office (element 52) to one of the pluralities of elements 54

But, LeBlanc does not explicitly teach about making determination that at least a threshold number of emergency service calls have originated from an area where the mobile station is located, as claimed by applicant. However, in a related field of endeavor, Ertz teaches about routing an emergency call to one of many alternative destinations based on call capacity limit/threshold (see col. 3, line 55-col. 5, line 53; claims 6- 7, 45, 38 and 41). According to the prior art each PSAP (a given PSAP) represents a given region/location and has a call capacity determining means to determine the number of incoming calls in response to which routing decision is made.

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Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the teaching of LeBlanc with the teach of Eritz for the advantage of providing last chance routing of emergency calls after an attempt to route such calls to designated PSAP (see col. 1, lines 12-17).

Claims 4-7, 13-15, 18-19 and 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over LeBlanc in view of Eritz, as applied to the claims above, and further in view of Boltz (US 6,233,445 B1).

As per claim 4: but, the above references do not explicitly teach about a method of sending an announcement from the service platform to the originating station, advising that calls have been received from the area, as claimed by applicant. However, in a related field of endeavor, Boltz teaches establishing emergency calls with a mobile telecommunication network, wherein the system determines the current location of the mobile station currently making the emergency call and inform that the emergency call has been received (see entire document, particularly, col. 1, line 49-col. 2, line 6).

As per claim 5: the method further comprising:

Sending from service platform to the originating station a query asking whether the first call should still be connected to the destination reads on '445 (see abstract). The prior art shows that an emergency platform provides an emergency call requester the option of being disconnected or being connected to the emergency service platform. Although what is shown is relating to a redundant/secondary emergency call, the technique obviously can apply to the original/non-redundant station/call if it was desirable to do so.

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As per claim 6: the method, wherein connecting the first call to the destination comprises:

placing a second call from the service platform to the destination reads on '625 (see fig. 3, elements 60, 62, 64, 52, 58 and 54). The call between the originating station (60) and the central office (52) is a first call; and the call between the central office and elements (PSAP or 54) is a second call and both are connected by the router 58.

bridging the first call with the second call reads on '625 (see fig.3, element 58). The call path between the originating station (60) and the central office (52) is a first call; and the call path between the central office and elements (PSAP or 54) is a second call and both are bridged by the router 58.

As per claim 7: the method wherein connecting the first call to the destination comprises:

releasing the first call from the service platform reads on '625 (see col. 5, lines 60-65; col. 6, lines 12-24). Call forwarding can include releasing the forwarded call.

reconnecting the first call to the destination reads on '625 (see col. 6, lines 12-24). The selective router 9element 58 of fig. 3) receives the emergency call from the central office and forwards/reconnects it to a selected PSAP, (element 54) which is the final destination for the emergency call.

As per claim 13: the feature of claim 13 is similar to the feature of claim 5. Hence, claim 13 is rejected on the same ground and motivation as claim 5.

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As per claim 14: the feature of claim 14 is similar to the feature of claim 5. The prior art of record, as shown in claim 5, shows that an emergency station is provided with the option of terminating or connecting the call.

As per claim 15: the feature of claim 15 is similar to the feature of claim 6. The prior art (in fig. 3, and as discussed in the rejection of claim 5, shows the features of claims 5 and 15, which is an arbitrary partitioning of the path followed by an emergency call.

As per claim 18: the method further comprising:

after notifying the user that emergency service calls have already been placed from the area, operating the service node to prompt the user for an indication that the user still wants to be connected to the emergency service center reads on '445 (see abstract). The prior art provides whether a user wants to terminate the emergency call or wants to be connected to the emergency center. Since the announcement/notification is sent to the affected area, not to a single individual, all mobile stations in that area can receive/hear it.

in response to the indication, connecting the first call to the emergency service center reads on '445 (see abstract). If the user opted to be connected to the emergency center, it is obvious that the prior art communication system can fulfill that.

As per claim 19: the method wherein the indication comprises a DTMF signal established at the mobile station reads on '625 (see fig. 3, elements 60). The mobile phones depicted in fig. 3, include a keyboard with push button for generating DTMF signal.

Response to Arguments

Applicant's arguments filed on 7/21/05 have been fully considered but they are not persuasive. Argument and respective response follows.

Argument: with regard to claims 1-26, particularly with regard to claims 1, 8, 16, 25 and 26, applicant argues based on features, "receiving a request to connect a first call from an originating station ---- " and "in response to the determination, routing the first call to a service platform for call treatment" based on a threshold number of calls, and asserts that these features are not obvious in light of the combination of LeBlanc, Ertz and Boltz. Applicant further indicates that these features are supported by the specification and cited a section to that effect. See applicant cited section (specification, page 5, lines 4-10).

Response: examiner respectfully disagrees with the argument; in that, as described above, the reception and routing of a first call does not have support anywhere in the specification, including the section cited by applicant (specification, page 5, lines 4-10). Even if the featured first call is arguably the call that was received first, it would not be the one that is going to be routed, as claimed and argued by applicant. Because the routing feature, according to the specification is, associated with the subsequent call/s which arrive after the network/platform is congested. On the other hand, the first call could not be the subsequent call and hence does not require routing to an alternative platform for call treatment. In the end, due to call congestion, routing a first received emergency call to an alternative call treatment center/platform in favor of a subsequent

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call is not a service that is efficient and a system technically sound, particularly when seen with the bound of the disclosure.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meless N Zewdu whose telephone number is (571) 272-7873. The examiner can normally be reached on 8:30 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

Meless zewdu

Examiner

23 September 2005.

M. Z.


WILLIAM TROST
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